

FILED

DISTRICT COURT OF GUAM

DEC - 2 2005 *JP*

MARY L.M. MORAN
CLERK OF COURT

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF GUAM**
11

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 vs.)
15 RAYMOND N. ATOIGUE,)
16 Defendant.)
17

CRIMINAL CASE NO. 05-00035

**UNITED STATES MOTION FOR
FINAL ORDER OF FORFEITURE**

18 COMES NOW the United States of America, by and through Leonardo M. Rapadas,
19 United States Attorney for the Districts of Guam and the Northern Mariana Islands, and Karon V.
20 Johnson, Assistant United States Attorney for the District of Guam, to respectfully move this
21 Honorable Court for a Final Order of Forfeiture in the above-captioned case, and in support
22 thereof represents to the Court the following facts:

- 23 1. That on August 31, 2005, a Preliminary Order of Forfeiture was filed with this Court.
24 2. Pursuant to 21 U.S.C. § 853(n), third parties asserting a legal interest in the above-
25 described forfeited properties are entitled to a judicial determination of the validity of the legal
26 claims or interests they assert.
27 3. That the last day for any claimant to file a claim was November 15, 2005.
28

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1 4. The United States published a Legal Notice, in compliance of notification of the
2 Court's Preliminary Order of Forfeiture, in the Pacific Daily News, a newspaper of general
3 circulation on October 2, 2005, October 9, 2005 and October 16, 2005. Said published Legal
4 Notice advised all third parties of their right to petition the Court within thirty (30) days of the
5 publication date for a hearing to adjudicate the validity of their alleged legal interest in the
6 forfeited property.

7 5. No other third party has made a claim to or declared any interest in the above-
8 described forfeited property.

9 **WHEREFORE**, the United States moves this Court for a Final Order of Forfeiture
10 declaring the following accounts:

11 1) Bank of Guam Account No. 0201-336968;
12 2) Bank of Guam Account No. 0222-012676; and
13 3) Bank of Guam Account No. 0201-568106,
14 properties of defendant Raymond N. Atoigue, be forfeited as to all parties and vesting full right,
15 title and interest in said Bank of Guam accounts, the properties of defendant Raymond N.
16 Atoigue, in the United States and directing the United States Marshal to dispose of the defendant
17 properties according to law.

18 Respectfully submitted this 30th day of November, 2005.

19 LEONARDO M. RAPADAS
20 United States Attorney
21 Districts of Guam and the NMI

22 By:

23 *Karon V. Johnson*
24 KARON V. JOHNSON
25 Assistant U.S. Attorney
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